



France

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

France is a constitutional democracy in which citizens directly elect the President and the National Assembly in periodic, free and fair elections. The judiciary is independent.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintain control of the security forces. Members of the police forces committed some human rights abuses.

The country's population is approximately 60 million. The highly developed, diversified, and primarily market-based economy has a per capita gross national product of \$21,900 that provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide an effective means of dealing with individual instances of abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Violence and some discrimination against women, as well as child abuse, were problems, which the Government took steps to address. Anti-Semitic incidents decreased during the year. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and girls was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of life

There were no reports of politically motivated killings committed by the Government or its agents. In past years, there were isolated incidents of law enforcement officers using excessive force that resulted in some deaths; however, there were no reports of official complaints or criminal reports being filed, and there is no evidence of a pattern of such abuses.

There were some deaths of persons in custody (see Section 1.c.).

In April 2000, a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and fired in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty and detained; State prosecutors have charged the officer with the killing. The police officer has appealed the charge, and the court is expected to decide if he should be charged with murder or involuntary manslaughter.

In September the Correctional Tribunal of Toulouse charged and convicted a police officer of involuntary homicide for the 1998 killing of 17-year-old Habib Mohamed in Toulouse; the Court sentenced the officer to a 3-year suspended prison sentence.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died after police fired rubber bullets

at him and physically restrained him, ended with an appeals court dropping the charges against the police officers. In September the Court of Cassation rejected an appeal by the Saoud family.

On March 20, the criminal chamber of the Court of Cassation overruled a December 2000 decision which referred to the Court of Assizes a police officer charged in the 1997 fatal shooting of 16-year-old Abdel Kader Bouziane. The Court of Cassation sent the case back to the investigating chamber of the Orleans Court of Appeals; the case was pending at year's end.

On December 5, the Versailles Court of Appeals overturned a March ruling that found two police officers guilty of assault for the 1991 beating death of 18-year-old Aissa Ihich. The judge attributed all fault to a doctor who is serving a sentence for involuntary manslaughter.

Police arrested eight Breton militants for their alleged involvement in the April 2000 bombing of a restaurant near Dinan that killed a female employee. They remained in custody while the investigation continued at year's end. The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end.

In March the Court of Cassation ruled that Libyan leader Mu'ammar al-Qadhafi has sovereign immunity for terrorist acts alleged in the 1999 civil case brought by the SOS-Attentats organization, the nongovernmental organization (NGO) representing 170 persons killed in the 1989 bombing of UTA flight 772.

On March 2, the Court of Assizes convicted, in absentia, Nazi war criminal Alois Brunner of crimes against humanity and sentenced him to life in prison.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were allegations of isolated incidents in which law enforcement officers used excessive force, particularly against immigrants, although no official complaints or criminal reports were filed. There is no evidence of a pattern of abuse. The authorities punish officials who are responsible for abuse.

In July the Council of Europe's Committee for the Prevention of Torture (CPT) published a report following its May 2000 visit to the country as part of its regular program of periodic visits to member states. The CPT criticized the National Anti-Terrorist Division in Paris for conducting brutal and lengthy interrogations. The CPT recommended more selective recruitment of officers and better integration of human rights principles into police training. The CPT also noted efforts by the Government to improve the prison system, such as the adoption of the presumption of innocence law, which addresses prison conditions and judicial reforms (see Section 1.d.).

In February riot police were found guilty of "acts unbecoming a gendarme" in connection with a 1997 incident in which they beat a few dozen persons demonstrating against the National Front (FN) in Marseille.

In May the Montpellier District Court sent the case of Ely Ould Dah for trial in absentia to the Court of Assizes; two Mauritanian refugees accused Dah of inflicting torture on them in 1990 and 1991. Dah was detained for questioning in 1999 and released. He is presumed to have fled to Mauritania in 2000.

In July 2000, Prime Minister Lionel Jospin and Corsican officials signed the Matignon Agreement that gives Corsica greater autonomy; in December the law on Corsica was approved by Parliament. There were several bombings in Corsica during the year, including bomb attacks at two police stations. Three members of the Armata Corsa, the Corsican underground movement, were killed in separate incidents; police initiated an investigation into their killings to determine if they were politically or criminally motivated since the three reportedly were involved in organized crime. The investigation continued concerning the 2000 shooting deaths of former Corsican nationalist militant Jean-Michel Rossi and his bodyguard.

Prison conditions generally meet international standards; however, public debate continued on the adequacy of prison conditions. In July a CPT report called detention facilities unacceptable due to overpopulation and mistreatment by officers. According to a 2000 report prepared for the Council of Europe, 65 percent of French prisons were overcrowded. A May 2000 report published by the NGO International Observer of Prisons (IOP) concluded that prisons were overcrowded, had unacceptable hygienic conditions, and provided inadequate

food to inmates.

According to the Ministry of Justice, there were 231 deaths of persons in custody in 2000, of which 121 were suicides; there was no evidence that any of the deaths were due to mistreatment.

Men and women are held separately, juveniles are held separately from adults, and convicted criminals are held separately from pretrial detainees and those serving sentences of less than 1 year.

On July 18, in response to reports and recommendations made by the National Assembly, the Senate, and other observers, including the Canivet Commission and the National Commission on Security Ethics, the Justice Minister publicly described a prison reform bill, which is scheduled to be submitted to the Council of Ministers in 2002. At the same time, the Minister announced plans to create 35 new prisons and the likely closure of 27 dilapidated establishments to improve detention conditions, provide each prisoner an independent cell, and create more secure prison plans for the most dangerous criminals. However, no construction or closures had begun by year's end.

The Government permits prison visits by independent human rights organizations.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Some suspects spend many years in prison before a trial. According to the Prison Administration, as of January 2000, 16,107 of the 47,837 persons held in jails and prisons were awaiting trial.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers; in January the Presumption of Innocence Law took effect, which reduces the number of hours a suspect can be held without the presence of a lawyer, establishes a new appeals court process built around a jury trial, and limits the time a suspect may be held before formal charges are filed. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. A midyear inspection by the Ministry of Justice determined that the law's implementation led to an almost 10 percent decline in police custody and a 23 percent decline in provisional detention in the first 6 months of the year.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respects this provision.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The chambre d'accusation reviews the investigating judge's investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

On August 30, Abdelhamid Hakkar filed suit before the European Court of Human Rights (ECHR) charging that France violated Article 5 of the European Convention on Human Rights, which states that all who are arrested or detained shall be brought promptly before a judge and are entitled to a trial within a reasonable amount of time. Hakkar spent 5 years in provisional detention before a trial date was set. His attorneys requested multiple postponements that were all denied. As a result, he refused to attend his trial and eventually was tried and convicted in absentia for his part in a robbery in which a police officer was killed. The case continued at year's end.

On July 31, the ECHR ruled that the Government violated Articles 5 and 6 (entitlement to a fair and public hearing within a reasonable amount of time) of the European Convention on Human Rights in the case of Driss Zannouti, who was detained for 5 years while authorities investigated arson charges against him. In 1998 a

court found him guilty of arson. Zannouti claimed the slow investigation in his case was due to the investigating authorities' incompetence.

As a result of the motion for retrial submitted in 1999, new evidence, including new DNA evidence, was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. At year's end, the Court of Cassation was considering whether to hold a new trial or to revise the original verdict.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respects these prohibitions. Violations are subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating the 1999 wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) presented his findings to the Paris public prosecutor's office in February 2000; that office was considering the matter at year's end. According to the annual report of the NCRWT, the number of requests for administrative wiretaps decreased in 2000.

Some religious minorities have experienced problems with the wearing of special religious clothing (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects these rights. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

The independent media is active and competitive and expresses a wide variety of views without Government restriction. Internet access is widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the Government generally respects these rights. Regular demonstrations on various issues occur without incident.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right; however, the Government took some actions during the year that affected religious minorities that it considers to be "cults". The 1905 law on separation of church and state--the foundation of existing legislation on religious freedom--makes it illegal to discriminate on the basis of faith.

Religious groups may register as "associations cultuelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under the 1905 statute.

For historical reasons, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The Government has encouraged public caution toward some minority religious groups that it may consider to be cults. In 1995 the National Assembly formed a parliamentary commission to study so-called cults, which issued a report in 1996 that identified 173 groups as cults, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. The Government has not banned any of the groups on the list; however, members of some of the groups listed have alleged that there were instances of intolerance due to the ensuing publicity. The Government's "Interministerial Mission in the Fight Against Sects/Cults" (MILS) is responsible for coordinating periodic interministerial meetings at which government officials can exchange information on cults and coordinate their actions. Although the Government instructed the MILS to analyze "the phenomenon of cults," its decree did not define the term cult or distinguish cults from religions.

On June 14, a private bill (known as the About-Picard Bill) that tightens restrictions on organizations was enacted into law. The legislation provides for the dissolution by judicial decision of any legal entity (including a religious association) that had been the subject of "several" criminal judgments. The About-Picard law does not define cults. Articles of the legislation list criminal activities for which a religious association (or other legal entity) would be subject to dissolution, including: Endangering life or the physical/psychological well-being of a person; placing minors at mortal risk; violation of another person's freedom, dignity, or identity; the illegal practice of medicine or pharmacology; false advertising; and fraud or falsifications. Associations, which are recognized as public utilities that defend or aid an individual or a collective entity against a person or organization that is characterized as having the goal or the effect of creating or exploiting a psychological or physical dependence, have standing in such judicial proceedings.

The law also reinforces existing provisions of the Penal Code by adding language covering the exploitation of the "psychological or physical subjection" or "fraudulent abuse of a state of ignorance or weakness." Leaders of the four major religions, such as the president of the French Protestant Federation and the president of the Conference of Bishops in France, raised concerns about the legislation. By year's end, this legislation had had no reported impact on religious freedom, nor had any cases been brought under the new law.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government does not recognize all branches of Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes and therefore subjects them to a 60 percent tax on all funds they receive. In June 2000, the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations under the law and thus be exonerated from certain tax obligations. In July 2000, a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that Jehovah's Witnesses would have to pay over \$42 million (300 million FF) in back taxes to the fiscal authorities. As a result of the ruling, tax authorities began proceedings to collect the taxes in the same month Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals. The appeal and related collection proceedings were pending at year's end.

Local authorities often determine the treatment of religious minorities. The Association of the Triumphant Vajra was involved in a dispute with local officials over a statue of the Association's guru that allegedly was erected without a permit. In June 2000, the Court of Cassation upheld a lower court order, and the statue was demolished on September 6.

In April the press reported that software produced by Panda International was authored by a Scientologist. Panda claimed that critical statements by government officials linking the product to Scientology caused a significant loss of business (see Section 5).

Some religious minorities have experienced problems with the wearing of special religious clothing. Various courts and government bodies have considered whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion; there has been no definitive national decision on the issue. In May 2000, the Administrative Court in Nantes ruled in favor of a Muslim woman who was refused naturalization because she wore a veil during her final interview (see Section 5).

The State subsidizes private schools, including those that are affiliated with churches. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them.

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 2000 the Government received 38,777 requests for asylum and issued 5,185 refugee certificates (a document issued to successful asylum applicants). In March a group of Roma asylum seekers from Hungary were granted asylum in Strasbourg. The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on the participation of women in politics or government, and women were increasingly well represented in national and local government bodies. A total of 10 of 34 cabinet members, 35 of 310 senators, and 55 of 573 deputies in the National Assembly are female. The European Union Parliament includes a larger French female presence--40 percent of the country's elected representatives are female. In March during municipal elections, a constitutional amendment that required political parties to have equal numbers of women and men on their list of candidates was implemented. As a result, the number of women elected in municipal councils increased from 22 percent to 47.5 percent. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations in general operate without government restrictions, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)--an independent body in the Office of the Prime Minister, which has nongovernmental as well as government members--also monitors complaints and advises the Government on policies and legislation.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and in general the Government effectively enforces them.

Women

The Penal Code prohibits rape and spousal abuse, and in general law enforcement authorities enforce these laws with vigor; however, violence against women remained a problem. The Ministry of Interior reported that in 2000 there were 8,458 rapes and 14,263 instances of other criminal sexual assault; in 2000 there were 1,772 prosecutions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$42,450 (300,000 FF) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Unlike the isolated past case of female genital mutilation (FGM) reported in 1999, there were no reports during the year of FGM, which is criticized widely by international health experts as damaging to both physical and psychological health. The Government and private associations have undertaken a campaign to inform immigrants, some of whom may be from countries where FGM is customary, that FGM is contrary to the law and would be prosecuted.

Trafficking in women for the purpose of sexual exploitation is a problem (see Section 6.f.). Prostitution is legal;

acting as a pimp is not legal. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have not been fully implemented. Women's rights groups have criticized the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisor-subordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's have indicated that men continued to earn more than women, and unemployment rates continued to be higher for women than for men. A study by the National Institute of Statistics and Economic Studies indicated that in July the unemployment rate for women was 10.9 percent, compared with 7.4 percent for men.

Children

The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecutes abusers. Child abuse was a problem, which the Government took steps to address. In 2000 there were approximately 18,300 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,500 in 1999. Approximately 5,000 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2000 almost 83 percent of cases of rape against minors were resolved through prosecution or other means (4,243 of 5,116 cases); and 79.4 percent of cases of violence, mistreatment, and abandonment of children were resolved (7,614 of 9,590 cases). The Government provides counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

Persons with Disabilities

There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1991 law requires new public buildings to be accessible to persons with disabilities, and the Government generally enforces these provisions in practice; however, many older buildings and public transportation are not accessible.

Religious Minorities

According to press reports, during the year the number of anti-Semitic incidents decreased after a large increase of such incidents in 2000 attributed to renewed violence in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in March, there were more than 600 anti-Semitic threats and 116 acts of violence in 2000.

In April the ECHR rejected the appeal of Maurice Papon, who was found guilty in 1998 of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. Papon was sentenced to 10 years in prison.

A number of court cases have been initiated against the Church of Scientology, generally by former members who have sued the Church for fraud and sometimes for the practice of medicine without a license, and some cases have been brought under the Data Privacy Act. In April the Church of Scientology was taken to court for fraud and false advertising in a lawsuit brought by three former members; the case remained pending at year's end. Scientologists continued to report instances of societal discrimination. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing. In March warrants in this case were executed, and the police entered Scientology offices and removed files.

In April the press reported that software produced by Panda International was created by a Scientologist. According to representatives of Panda Software, the Interior Ministry and others subsequently indicated that they would not renew their contracts with the company. Panda claimed that critical statements by government officials in press articles that linked the product to Scientology have caused a significant loss of business.

National/Racial/Ethnic Minorities

Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted an increase in the number of reported incidents of racist threats--119 threats were reported in 2000, compared with 89 in 1999; there were 16 incidents of racist violence in 2000, compared with 13 in 1999. There were no deaths due to racist violence in 2000.

The Government has criticized strongly such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also are antiracist educational programs in some public school systems. The annual NCCHR report stated that the Government should continue to strengthen its laws against racist acts.

According to the 2000 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 31 percent admitted to being "a little racist," 26 percent stated they were "not very racist," 28 percent stated that they were "not at all racist," and 3 percent had no response.

In May 2000, the Administrative Court in Nantes ruled against immigration authorities in the case of Khaddouj Tahir, who wore a hejab (veil) during her naturalization interview.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association for all workers, and workers exercise this right. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations are independent of the Government, and most are not aligned with any political party; however, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government. The number of workdays lost to strike action in the private sector decreased during the year, as did the number of strikes. In March thousands of public sector workers, including midwives, tax collectors, and police, staged a 1-day strike over wages in Paris. Teachers and health care workers mounted several strikes and protests over pay, better working conditions, and increased job recognition. Public transportation workers and armored car drivers in Paris and other cities struck repeatedly in support of demands for better security and increased compensation. Workers at Marks and Spencer, Danone, and AOM-Air Liberte struck to protest proposed massive airline layoffs. Judges and magistrates held public strikes demanding Ministry of Justice reforms and increased salaries. Police and gendarmes struck repeatedly and successfully for increased salary and benefits.

The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforces this provision.

Unions are permitted to join federations and confederations, including international bodies, and many do so.

b. The Right to Organize and Bargain Collectively

Workers, including those in the three small export processing zones, have the right to organize and bargain collectively, and workers exercise this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be

reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and nonunion employees, are elected every 2 years.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women was a problem, which the Government took steps to address (see Section 6.f.). In May Parliament passed and implemented a law making slavery a crime against humanity.

The law prohibits forced and bonded labor by children; however, trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

On April 5, International Labor Organization Convention 182 on the Worst Forms of Child Labor was ratified by the National Assembly; it was signed into law by the President on April 19.

The law prohibits forced and bonded labor by children; however, trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

e. Acceptable Conditions of Work

The administratively determined minimum wage is revised whenever the cost-of-living index rises 2 percentage points, and on July 1, the hourly minimum wage was changed to \$6.25 (43.72 FF). The minimum wage provides a decent standard of living for a worker and family. The legal workweek is 35 hours for firms of 20 or more workers. Overtime under the 35-hour workweek is limited to 1,600 hours per year for most workers. Firms with fewer than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons

The law prohibits the trafficking of persons; however, trafficking in women and girls for prostitution and domestic slavery is a problem. The country is a destination for trafficked victims, primarily women from Moldova, Ukraine, and Romania. Women were also trafficked from Haiti and Africa, particularly Nigeria, Togo, and the Democratic Republic of the Congo. The number of women trafficked from the former Soviet Union,

Eastern Europe, and the Balkans has increased markedly and has received increased press attention. In general victims were trafficked into sexual exploitation or domestic slavery. In addition the country is a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe.

There are organized rings of traffickers, primarily from southeast Europe, and the number of young women, often between the ages 16 and 19 years of age, brought into the country to work as prostitutes continued to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries and are willing to continue the practice to pay for their immigration papers. Traffickers use methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse.

In August the newspaper *Le Monde* reported that there was an increase in prostitution in the country specifically during the summer months. Hundreds of young girls, most under the age of 18 and mainly from Eastern Europe, arrived in Paris, Strasbourg, and the Cote d'Azur. The police estimated that these girls, most of whom are Russian, Ukrainian, Moldovan, or Bulgarian, represent 80 percent of the prostitution work force.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million FF). Penalties increase to a maximum of 10 years in prison and approximately \$1.4 million (10 million FF) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2.8 million (20 million FF). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4.2 million (30 million FF) in fines. These laws are enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and \$71,000 (500,00 FF). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$140,000 (1,000,00 FF) in fines. In May Parliament passed a law making slavery a crime against humanity.

Employers have been sentenced and fined for enslaving domestic servants. In April the Twelfth Chamber Court of Appeals sentenced a couple to 1 year in prison and a \$14,285 (100,000 FF) fine for enslaving a young Togolese girl. In May a court sentenced and fined another couple for enslaving a young Indian woman. In September a court sentenced a couple to 6 months in prison (suspended) and a \$14,285 (100,000 FF) fine for enslaving a young girl from Madagascar. In November the French Service of Investigation and Research in Lille announced that police had dismantled a prostitution network using girls from Eastern Europe transiting the Belgian port at Antwerp to France and arrested 18 persons. In December a couple from Ghana was arrested and charged with aggravated pimping based on complaints from young girls from Sierra Leone. This followed an investigation pursuant to claims from the NGO GISTI--which assists immigrants--of the recruitment of prostitutes among asylum seekers in France.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans (OCRTEH) is under the authority of the central criminal investigation directorate of the police judiciaire, which handles organized crime. OCRTEH centralizes information and coordinates operations to counter trafficking and maintains contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

On December 13, a Parliamentary Commission released its report on slavery in France following 9 months of study of the problem of trafficking of persons. The report, which focused on prostitution, domestic slavery, and forced labor, recommended that a new penal code section be created. The report proposed the creation of specialized areas within the police and justice departments (like those that exist to fight drugs), as well as a national structure specifically in charge of trafficking. The Commission recommended an interministerial commission to oversee the coordination of the fight against trafficking. The report also focused on the protection of victims with three main areas for reform: Giving status to the victims by authorizing 3 months of stay during which time they could return to their home countries or decide to remain in France; designating safe lodging centers where victims could live; granting those victims cooperating with law enforcement authorities a *carte de sejour*, which allows a permanent stay in France, and employment authorization. The Committee also noted the November adoption of a specific provision in the Penal Code to fight child prostitution. While sexual exploitation of minors was already prohibited under the Penal Code, a loophole existed for minors between the ages of 15 and 18. Those charged under this new crime may face 10 years in prison and a fine of \$180,000 (1,347,301 FF). The programming recommendations in the report are scheduled

to be implemented in 2002.

French and Belgian police have cooperated to dismantle Bulgarian prostitution networks. In August the police broke up a ring which resulted in an investigation into visa issuance at the French Embassy in Sofia, Bulgaria. Charges were brought against the former chief of the visa section and others for issuing business visas to young women who were trafficked from Bulgaria to work in prostitution rings in France. In September in Strasbourg, criminal charges were filed against 11 defendants accused of conscripting young Bulgarian, Slovakian, and Czech girls into prostitution in France. The charges carry a sentence of 8 years' imprisonment, fines of approximately \$360 (2,500 FF) and banishment from France.

Aide Sociale a l'Enfance (ASE), the state social services branch for childcare, is responsible for caring for and assisting victims under the age of 18 through age 22. The Government has not articulated protection programs in place for trafficking victims. Those victims located or arrested by the authorities normally are processed as illegal immigrants and may be detained or jailed. Trafficking victims may be granted temporary residency while they apply for asylum. Victims are encouraged to file legal action against traffickers. The Government works closely with other countries and NGO's to combat trafficking. The Government supports trafficking prevention programs as part of the European Union, including information and media campaigns, seminars, and a trafficking prevention project in West Africa. ASE works closely with the Office for the Protection of Refugees and Stateless Persons. The Committee Against Modern Slavery actively brings cases of domestic and modern slavery to the authorities for prosecution.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue and supports other associations in the country and around the world. The NGO L'Amicale du Nid works directly with prostitutes.